THE HON'BLE MR JUSTICE J.CHELAMESWAR

And

THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 16901 of 2005

Between:

The Director of Town and Country Planning

A.P., Hyderabad & another

… PETITIONERS.

AND

Sri V.V.H.Moses & another

… RESPONDENTS.

ORAL ORDER:-

The writ petition is filed with a prayer as follows:

> "For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ of direction, more particularly one in the nature of Writ of Certiorari, calling for the records connected with order dated 23.02.2005 in O.A.No.3505 of 2004 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law and pas such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

The 1st respondent was working as Town Planning Building Overseer and Town Planning Supervisor under A.P. Municipal Town Planning Sub-ordinate Service governed by the A.P. Municipal Town Planning Sub-ordinate Service Rules. In the year 1994 certain charges were framed against him. Subsequently, an enquiry was conducted and the enquiry officer submitted the report on 22.04.1999. After receipt of the said report and after lapse of five years on 25.05.2004 the petitioners thought it fit to take disciplinary action against the 1st respondent by passing an order or removal from service. Aggrieved by the same, the 1st respondent filed O.A.No.3505 of 2004 on the file of the A.P. Administrative Tribunal. The Tribunal by its order, dated 23.02.2005, allowed the O.A. on more than one ground. One being that the enquiry was not conducted in accordance with the rules and the other being that charges against the 1st respondent are vogue. The relevant portion of the charge sheet reads as follows:

> "After going to the connected papers after conducting the oral enquiry by the under signed the following charges are framed against him.
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> 1. That he mislead the public as is a concerned person for allotment of plots.
> 2. That he has issued duplicate receipts for the plots which were already allotted to some others by taking huge amounts.
> 3. That he failed to return the amounts to the parties in demand when they approach him after knowing that he is not concerned.
> 4. That he was orally instructed by the officers concerned not to resort fraudulent activities. In spite of repeated instructions from higher officers he habituated for collection of huge amounts by misleading the public.
> 5. That he failed to discharge the legitimate duties entrusted to him by the competent authority.
> 6. By misusing the power he has collected the huge amounts which is against the conduct rules.
> 7. That he demoralized the official status by the fraudulent activity."

The above extracted portion of charge memo clearly demonstrates that the charges are vague in nature and we do not see any reason to interfere with the conclusion of the Tribunal in the abovementioned O.A.

The writ petition is without merit and the same is dismissed at the admission stage.

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J.CHELAMESWAR, J

Date: 09.08.2005

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M.VENKATESWARA REDDY, J

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